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10/765,024	01/26/2004	Jacek Grabiec	1842.010US1	1301

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EXAMINER
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LEE, BENJAMIN WILLIAM

ART UNIT	PAPER NUMBER
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3714

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06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/765,024

Applicant(s)

GRABIEC, JACEK

Examiner

Benjamin W. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/05/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The amendment filed 04/05/2007 has been entered. Claims 1-32 are pending in this application. Claims 1, 2, 8, 12, 14, 16, 17, 20-22, 27, and 31 have been amended.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: "gaming module" in line 2 should be --a gaming module--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12-17, 20, 22, 27, and 29-32 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

A single means claim (a claim where a means recitation does not appear in combination with another recited element of means) is subject to an undue breadth rejection. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

Re claims 12: The claim recites a single method step (i.e. “reporting game technical information”). It is noted that in the specification the method step of reporting information is achieved by a speaker system on a gaming machine and the scope of the claimed method step of reporting information (the only means in the claim) covers every conceivable structure for achieving the stated property (reporting game technical information via an audio system). Thus, the claim is held non-enabling since the specification discloses at most only those structures known to the inventor.

Re claims 13-17, 20, and 22: The claims are dependent on claim 12 and do not recite any further method steps. Therefore, the claims inherit the same deficiency and are single means claims.

Re claim 27: The claim recites a single method step (i.e. “reporting game configuration module information”). It is noted that in the specification the method step of reporting information is achieved by a speaker system on a gaming machine, and the scope of the claimed method step of reporting information (the only means in the claim) covers every conceivable structure for achieving the stated property (reporting game configuration module information to a game administrator through voice via an audio module). Thus, the claim is held non-enabling since the specification discloses at most only those structures known to the inventor.

Re claims 29-32: The claims are dependent on claim 27 and do not recite any further method steps. Therefore, the claims inherit the same deficiency and are single means claims.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 12: The preamble of the claim recites the limitation “providing game administrator interface with a computerized gaming system” in lines 1-2. However, the body of the claim does not provide a way for the administrator to interface with the system. In the computer arts, the American Heritage Dictionary defines an interface as “a point of interaction or communication between a computer and another entity, such as a printer or human operator.” In the claim, the administrator does not perform any actions on the computerized gaming system. Therefore, no game administration interface is provided.

Re claims 13-22: The claims are dependent on claim 12 and thus inherit the same deficiency.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. (US 2004/0072611 A1, hereinafter Wolf) in view of Murphy et al. (US 5,896,129, hereinafter Murphy).

Re claims 1, 10, and 23: Wolf discloses a computerized gaming system comprising a gaming module/controller 100, comprising a processor 104 and gaming code/program memory 102 which is operable when executed on the processor to conduct a game of chance on which monetary value can be wagered (see Fig. 3; ¶ [0057]; ¶ [0006]), and an audio module/sound circuit 112 and speakers 62 (see Fig. 3). Wolf further discloses game technical information may be presented to a game administrator via a series of configuration and troubleshooting menus (see Figs. 22-26).

However, Wolf fails to disclose the audio module is operable to report information comprising game technical information to a game administrator by a voice played via the audio module.

Murphy discloses a user-friendly passenger interface including audio menuing for the visually impaired for use in an interactive flight entertainment system. The system provides voice menu prompts to the user and the user provides input in response to the prompt (see col. 6, lines 19-32).

Therefore, in view of Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add audio menu prompts to the system and method of Wolf in order to provide a configuration interface to the visually impaired.

Re claims 2 and 3: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 4: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf further discloses the game technical information comprises a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claims 5 and 6: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf further discloses the audio module (combined with Murphy, see rejection of claim 1) is operable to report error condition information upon actuation by a game administrator by using the diagnostics or checking event logs (see Figs. 22-26).

Re claim 7: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf discloses a monitoring module operable to monitor the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; monitors bets, see Fig. 8). The audio module (when combined with Murphy, see rejection of claim 1) is operable to report the information contained in the diagnostic menus/event logs.

Re claim 8: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf further discloses that audio module (when combined with Murphy, see rejection of claim 1) is operable to convey information regarding an executing game of chance (see ¶ [0050]).

Re claim 9: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. Wolf further discloses the audio module (when combined with Murphy, see rejection of claim 1) is operable to report information comprising game technical information to a game administrator when the game of chance is not executing (see Fig. 4; ¶ [0063] - ¶ [0064]).

Re claim 11: The teachings of Wolf as modified by Murphy as applied to claim 1 above have been discussed. The audio menuing system of Murphy is operable to convert the menus of the Wolf to at least voice in at least one language (English).

Re claims 12, 21, 27-30: Wolf teaches a method of providing game administrator interface with a computerized gaming system, comprising reporting game technical information of the computerized gaming system to a game administrator (see Figs. 22-26), the computerized gaming system operable to execute gaming code on a processor to conduct a game of chance on which monetary value can be wagered. Wolf further discloses a game configuration module operable to facilitate configuration and troubleshooting (see Figs. 22-26) and actuating



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controls/buttons/switches to provide input to the configuration module (see ¶ [0062], lines 11-15).

However, Wolf fails to disclose reporting game technical information via a voice played by an audio system.

Murphy discloses a user-friendly passenger interface including audio menuing for the visually impaired for use in an interactive flight entertainment system. The system provides voice menu prompts to the user and the user provides input in response to the prompt (see col. 6, lines 19-32).

Therefore, in view of Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add audio menu prompts to the system and method of Wolf in order to provide a configuration interface to the visually impaired.

Re claims 13 and 14: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 15: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claim 16: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses the game technical information comprises error condition information in the diagnostics menu or the event logs (see Figs. 22-26).

Re claim 17: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses the game technical information is reported upon actuation by the game administrator. The system provides menus with choices that are selected by the administrator (see Figs. 22-26).

Re claim 18: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses monitoring the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; bet monitoring, see Fig. 8), and reporting the monitored state as game technical information to the game administrator via the audio system (when combined with Murphy, see rejection of claim 12).

Re claim 19: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses conveying information regarding an executing game of chance to a user (see ¶ [0050]) via the audio system (when combined with Murphy, see rejection of claim 12).

Re claim 20: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. Wolf further discloses the audio system (when combined with Murphy, see

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rejection of claim 12) is operable to report information comprising game technical information to the game administrator when the game of chance is not executing (see Fig. 4; ¶ [0063] - ¶ [0064]).

Re claim 22: The teachings of Wolf as modified by Murphy as applied to claim 12 above have been discussed. The audio menuing system of Murphy is operable to convert the menus of the Wolf to at least voice in at least one language (English).

Re claim 24: The teachings of Wolf as modified by Murphy as applied to claim 23 above have been discussed. Wolf further discloses a hierarchal menu (see Figs. 22-26).

Re claim 25: The teachings of Wolf as modified by Murphy as applied to claim 23 above have been discussed. Wolf further discloses the computerized gaming system comprises a game having a mechanical interface operable to convey results of the game of chance (see ¶ [0051]), lines 1-3).

Re claim 26: The teachings of Wolf as modified by Murphy as applied to claim 23 above have been discussed. Wolf further discloses the audio module is further operable to convey audio to a player of the game of chance (see ¶ [0050]).

Re claim 31: The teachings of Wolf as modified by Murphy as applied to claim 27 above have been discussed. Wolf further discloses the menus are hierarchal (see Figs. 22-26) and that

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may be reported by voice via an audio module when combined with Murphy (see rejections of claim 23).

Re claim 32: The teachings of Wolf as modified by Murphy as applied to claim 27 above have been discussed. The system of Wolf as modified by Murphy conveys game configuration module information to a game administrator through voice via an audio module in a selected language (English).

### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that the new grounds of rejection were applied to the claims due to new art (Murphy) being found, and not in view of the applicant's arguments. The Lucent article is a proper prior art reference since the copyright date of the page is 1997 (see the bottom of the page). The webpage is further validated as originating from 1997 by the Internet Archive Wayback Machine (found at [www.archive.org](http://www.archive.org)). Furthermore, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it was well known in the

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art at the time the invention was made to provide audible voice prompts for a menu system in order to provide accessibility for the visually impaired.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin W. Lee  
June 11, 2007

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**